

State Law Library of Montana  
MONTANA LEGISLATIVE HISTORY

Chapter 203 Session L 1973  
Bill House \_\_\_\_\_ Senate 130

History and final status sheet NA  
Introduced bill X  
Fiscal note NA  
Third reading bill X  
Final version of bill X

House Committee on Labor & Employment\*

Hearing date(s)\* 2-23 2-28  
\_\_\_\_\_

Executive action (vote) date(s)\* 2-28

Comm. Report not available

Floor 2nd reading & vote 3-1

Floor 3rd reading & vote 3-2

Senate Committee on Labor & Employment\*

Hearing date(s)\* 1-19 1-22  
1-24 1-29, 2-2

Executive action (vote) date(s)\* 2-5

Comm. Report not available

Floor 2nd reading & vote 2-10

Floor 3rd reading & vote 2-13

Conference or Free Conference Comm. \_\_\_\_\_ Yes X No

Hearing date(s)\* \_\_\_\_\_

Executive action (vote) date(s)\* \_\_\_\_\_

\* Includes minutes, exhibits, roll call, visitors register, and vote sheet if available.

Did this bill originate in an interim committee? \_\_\_\_\_ Yes X No

Committee \_\_\_\_\_ Report \_\_\_\_\_

NOTES: Act Providing Compensation for Injuries Causing Death Under  
Workmen's Compensation Act; Repealing Section 92-704, R.C.M. 1947



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Date: 4-14-2016

CR 43  
Folder 7-11

ROLL CALL

LABOR & EMPLOYMENT COMMITTEE

43rd LEGISLATIVE SESSION 1973

| DATE     | 1/<br>10 | 1/<br>12 | 1/<br>15 | 1/<br>17 | 1/<br>19 | 1/<br>22 | 1/<br>24 | 1/<br>29 | 1/<br>31 | 2/<br>2 | 2/<br>5 | 2/<br>7 | 2/<br>7 | 2/<br>7 | 2/<br>9 | 2/<br>9 | 2/<br>19 | 2/<br>21 | 2/<br>23 |
|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|---------|---------|---------|---------|---------|---------|---------|----------|----------|----------|
| Siderius | X        | X        | X        | X        | X        | X        | X        | X        | X        | X       | X       | X       | X       | X       | X       | X       | X        | X        | X        |
| Jensen   | X        | A        | X        | X        | X        | X        | X        | X        | X        | X       | X       | X       | E       | E       | X       | X       | X        | X        | X        |
| Bertsche | X        | E        | X        | A        | E        | X        | X        | X        | X        | X       | X       | X       | X       | X       | X       | X       | X        | X        | X        |
| Flynn    | X        | A        | X        | A        | X        | A        | A        | X        | X        | X       | X       | X       | X       | X       | X       | X       | X        | X        | X        |
| Keenan   | X        | X        | E        | X        | E        | X        | X        | X        | X        | X       | X       | X       | A       | A       | X       | X       | X        | X        | X        |
| Shea     | X        | X        | X        | X        | X        | X        | X        | X        | X        | X       | X       | X       | X       | X       | X       | X       | X        | X        | X        |
| Bennett  | X        | X        | X        | X        | E        | X        | X        | X        | X        | X       | X       | X       | X       | X       | X       | X       | X        | X        | X        |
| Himsl    | X        | X        | X        | X        | X        | X        | X        | X        | X        | X       | X       | X       | X       | X       | X       | X       | X        | X        | X        |
| Lowe     | X        | X        | X        | X        | A        | X        | X        | X        | X        | X       | X       | X       | X       | X       | X       | X       | X        | X        | X        |
| Moore    | X        | X        | X        | X        | X        | X        | X        | E        | X        | X       | X       | X       | X       | X       | X       | E       | X        | X        | A        |
| McNamer  | X        | X        | X        | X        | A        | X        | X        | X        | X        | X       | X       | X       | E       | E       | X       | X       | X        | E        | A        |
|          | 2/<br>26 | 2/<br>28 | 3/<br>2  | 3/<br>5  |          |          |          |          |          |         |         |         |         |         |         |         |          |          |          |
| Siderius | X        | X        | X        | X        |          |          |          |          |          |         |         |         |         |         |         |         |          |          |          |
| Jensen   | X        | X        | X        | X        |          |          |          |          |          |         |         |         |         |         |         |         |          |          |          |
| Bertsche | X        | X        | X        | X        |          |          |          |          |          |         |         |         |         |         |         |         |          |          |          |
| Flynn    | X        | X        | X        | X        |          |          |          |          |          |         |         |         |         |         |         |         |          |          |          |
| Keenan   | X        | X        | X        | X        |          |          |          |          |          |         |         |         |         |         |         |         |          |          |          |
| Shea     | X        | X        | X        | X        |          |          |          |          |          |         |         |         |         |         |         |         |          |          |          |
| Bennett  | X        | X        | X        | X        |          |          |          |          |          |         |         |         |         |         |         |         |          |          |          |
| Himsl    | X        | X        | X        | X        |          |          |          |          |          |         |         |         |         |         |         |         |          |          |          |
| Lowe     | X        | X        | X        | X        |          |          |          |          |          |         |         |         |         |         |         |         |          |          |          |
| Moore    | X        | X        | X        | X        |          |          |          |          |          |         |         |         |         |         |         |         |          |          |          |
| McNamer  | X        | X        | X        | X        |          |          |          |          |          |         |         |         |         |         |         |         |          |          |          |

SENATE BILL NO. 130  
INTRODUCED BY McLean Linder

92-704

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING COMPENSATION FOR INJURIES CAUSING DEATH UNDER THE WORKMEN'S COMPENSATION ACT: REPEALING SECTION 92-704, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. There is a new section to be numbered 92-704.1, R.C.M. 1947, which reads as follows:

92-704.1. Compensation for injury causing death. Weekly compensation benefits for injury causing death shall be sixty-six and two-thirds percent (66 2/3%) of the decedent's wages. The maximum weekly compensation benefits shall not exceed the state's average weekly wage. The minimum weekly compensation for death shall be fifty percent (50%) of the state's average weekly wage, but in no event shall it exceed the decedent's actual wages at the time of his death.

Death benefits shall be paid to a widow or widower for life or until remarriage, and in the event of remarriage two (2) years' benefits shall be paid in a lump sum to the widow

1 or widower. In all cases, benefits shall be paid to  
2 beneficiaries as defined in this act.

3 In cases where it is determined that periodic  
4 disability benefits granted by the Social Security Act, 42  
5 U. S. C. 301 (1935), are payable because of the injury  
6 causing death, the weekly benefits payable under this  
7 section shall be reduced by the amount of the federal  
8 periodic benefits for such week.

9 Section 2. Section 92-704, R.C.M. 1947, is repealed.

-End-

MINUTES OF MEETING OF THE  
LABOR AND EMPLOYMENT RELATIONS COMMITTEE  
STATE SENATE

A meeting of the Labor and Employment Relations Committee was called to order by Chairman Siderius, January 19, 1973 at 12:00 Noon, Room 402 of the State Capitol Building.

ROLL CALL: Bertsche, Keenan and Bennett excused. Lowe and McNamer absent.

CONSIDERATION OF SENATE BILL NO. 48:

Chairman Siderius requested permission of the Committee to send this bill to the Judiciary Committee for review. Senator Jensen motioned to send it to Judiciary, Flynn seconded the motion.  
MOTION CARRIED.

CONSIDERATION OF SENATE BILL NO. 99:

Senator Lowe has been working with some people on this bill but was not present at the meeting, therefore, further action on this bill was delayed.

CONSIDERATION OF SENATE BILLS NOS. 113 through 138:

This package of bills is scheduled for a public hearing on Monday, January 22, 1973 at 12:00 Noon. If testimony is not concluded on that day, it will be carried over to Wednesday.

Chairman Siderius adjourned the meeting at 12:15 p.m.

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SENATOR GEORGE SIDERIUS, CHAIRMAN

MINUTES OF MEETING OF THE  
LABOR AND EMPLOYMENT RELATIONS COMMITTEE  
STATE SENATE

A meeting of the Labor and Employment Relations Committee was called to order by Chairman Siderius, January 22, 1973, at 12:00 Noon, Room 402 of the State Capitol Building.

ROLL CALL: Senator Flynn was the only absent member.

CONSIDERATION OF SENATE BILLS 113 THROUGH 138:

James Carden of the Workmen's Compensation Division was present to explain the background and history of this packet of bills. No opponents were present. These bills were prepared by a committee recommended by the President, consisting of 4 members of labor and 4 members of management.

SB 113: The main purpose of this bill is to see that every working man is covered by some kind of compensation. Substantially, the language has been changed to mandatory rather than elective. All industries that were not considered to be hazardous were elective before.

SB 114: Primarily amendments to existing law. The Governor's Advisory Council on Workmen's Compensation respectfully requests that SB 114 be withdrawn.

SB 115: Mandatory coverage of all employees. Repeals statutes that relate to elective coverage. Amendments read and explained. Page 1, line 23, strike "either" and add "any" and Page 2, line 4 beginning with the second "Provided" strike the rest of line 4, 5, 6, 7, 8, 9, and 10. Chairman Siderius asked if the repealed sections were thoroughly researched. Mr. Carden stated that they were and also that Roger Hagell, who is now working for the Legislative Council, worked with this Committee in drafting these bills and could be of help to this committee.

SB 116: Repeals several sections because these are no longer considered to be necessary in the Workmen's Compensation Act.

SB 117: Additional language to the end of the bill.

SB 118; 119; and 120: Similar bills. Up until now there has never been a definite definition of "temporary total disability", "permanent partial disability" or "permanent total disability." Felt they must differentiate between the three types of disabilities. Senator Shea asked if a man had been earning \$40 per day and was injured but later on could earn perhaps \$15 to \$20 per day, how would he be compensated. Mr. Carden replied that it would be a percentage of the difference between the two wages. Also the present law allows up to 500 weeks.

SB 121: Added the word "gross" on line 15. A person employed by "public corporations cannot draw on sick leave and Workmen's Compensation simultaneously. He can however, draw on one and then the other. He may draw annual leave simultaneously with Workmen's Compensation

Labor and Employment Relations

Page 2

January 22, 1973

SB 122: Sets a maximum on the limits for Workmen's Compensation for injuries producing partial disability. There shall be no distinction between single, married or men with families. Sixty dollars (\$60) per week is the maximum. The Governor's Council feels that perhaps this will be changed this year but that is the figure that is now the law.

SB 123, 129 and 130: Mr. Holding requested the Committee take additional time to consider the impact of these three bills.

SB 124: Lists those employers exempted from mandatory coverage. "Casual employment" would be not in the usual line of work. Agricultural employers would be considered mandatory. The President's Committee very definitely included agriculture. Agriculture is considered to be a hazardous occupation.

Chairman Siderius asked if an employer hiring one man or more was not covered under Workmen's Compensation and had an injury, would he be subject to penalty. Mr. Carden stated that he could be stripped of his common law defense and subject to a fine up to \$1,000. Mr. Siderius stated that for the last three years the legislators have tried to put farmers under Workmen's Compensation.

Mr. Keefer stated that the Committee attempted, in this legislation, to provide for mandatory coverage rather than elective coverage. They did not do too much about penalties, however SB 131 does provide a penalty. Maybe not strong enough but did not feel there would be any objections to changing the penalty.

SB 125: Amendments presented. Page 1, lines 21 through 24, strike entirely, and Page 1, line 25, strike "the individual" and "customarily". Mr. Holding concurred in this.

SB 126: Provides for medical benefits beyond the 36 months. The title of the bill should be amended if the other amendments are accepted. Page 1, line 7 and 8, strike the words "APPROVED BY THE DIVISION OF WORKMEN'S COMPENSATION", and Page 2, line 5, strike the words "for approval", and Page 2, line 7 after the word "period" and before the punctuation "." add the following language "unless the Division and the hospital agree to an interim amendment of the schedule."

Senator Keenan moved to recess, Senator Bertsche seconded the motion. MOTION CARRIED.

Chairman Siderius recessed the hearing until Wednesday, January 24, 12:00 noon to continue hearing bills 127 through 138.

  
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SENATOR GEORGE SIDERIUS, CHAIRMAN





MINUTES OF MEETING OF THE  
LABOR AND EMPLOYMENT RELATIONS COMMITTEE  
STATE SENATE

A meeting of the Labor and Employment Relations Committee was called to order by Chairman Siderius, January 24, 1973, at 12:00 Noon, Room 402 of the State Capitol Building.

ROLL CALL: Senator Flynn was absent, all other members present.

CONTINUATION OF SENATE BILLS 113 THROUGH 138:

SB 127: Bruce Toole and Neil Keefer worked on this bill. The Governor's Council felt that 100% subrogation is only right. State now allows 50% of compensation and none on medical. Mr. Keefer stated that this bill simply provides for subrogation in the event that a tort action exists. It also provides certain protection for the workman. Now the insurer participates in the cost of litigation. However, the insurer can elect to participate or not. The statute of limitation for instituting action is presently 6 months and this bill would change it to one (1) year. This provides some benefits to industry to recover some compensation.

SB 128: The wording of this bill is almost verbatim to what the Governor's Council suggested. This procedure is used to figure average weekly wage for any given jurisdiction. The average weekly wage, currently, is just under \$130.

SB 129 and 130: Held back for further discussion.

SB 131: Refers to the fine and misdemeanor charge. Not less than \$100 nor more than \$600, or imprisonment not to exceed 6 months in the county jail, or both. The Governor's Council has tried to bring all hazardous fields under Workmen's Compensation. Senator Lowe remarked that under these bills, coverage would be mandatory and the only elective an employer has is which Plan to be covered under. Mr. Keefer mentioned that the ideal situation would be to have an uninsured fund. We do not have this at the present and have not talked much about the mechanics of it.

Senator McNamer and Senator Shea felt that perhaps during the interim the Workmen's Compensation Division might think about this and give it some study. Senator Shea also brought out the point that all employers should be notified of the new law that makes it mandatory for them to be covered by Workmen's Compensation in view of the penalties for not being covered. This could be taken care of by the news media.

SB 132: Was recommended that the age limit for a child to be a full-time student be changed to 26. However, this bill changes it from 21 to 22 years, thus covering a 4 year college course. Social Security benefits also go by 22 years.

SB 133: Must be under the Merit System or we lose federal funds. Senator Keenan has an amendment to which Mr. Carden has no objections.

SB 134: This is an amendment to the present bill reducing the noise intensity level from 100 decibels to 90 decibels, to comply with OSHA. Mr. Carden stated that 60 to 70,000 workers were tested over Montana and that very little occupational deafness was found. Ninety decibels is a reasonable and standardized figure throughout the nation.

SB 135: No material change in the law from 2 years ago. Senator McNamer asked if the Council had thought of getting rid of the present schedule and starting again. Mr. Carden replied that another committee is working on this area and in another year or so we should have some standards to work from.

SB 136: Accounting procedures were changed in the Workmen's Compensation Division to simplify them. This bill amends the present bill to coincide with the accounting system.

SB 137: This is just a housekeeping bill concerning language referring to major and minor dependents. It was suggested that this bill be held with 123, 129 and 130. No objections to the suggestions.

SB 138: Provides for a second injury fund. Had a rather limited one that was of no real value to anyone.

Amendments submitted by Workmen's Compensation Division.

Page 1, line 18, strike "resulting from an injury"  
Page 3, line 7, after the word "his" add the following "beneficiaries or"

Chairman Siderius recessed this hearing until 12:00 noon Monday, January 29, at which time SBs 123, 129, 130 and 137 will be discussed.

This Committee will meet on Friday, January 26 at 12:00 Noon.

Senator Bertsche made the motion to adjourn, seconded by Senator Keenan. MOTION CARRIED.

  
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SENATOR GEORGE SIDERIUS, CHAIRMAN

COMMITTEE ON Lab. & Employment

BILL NO. 113-138  
(167-138)

Jan 24, 1973

VISITOR'S REGISTER

12:00 Noon

| NAME                 | REPRESENTING                | Check One |      |
|----------------------|-----------------------------|-----------|------|
|                      |                             | Support   | Oppo |
| Joe Bascowitz        | Mont Operating Engineers    | X         |      |
| Jim Murray           | Mont. State AFL-CIO         | X         |      |
| W. M. Wilson         | Mont. State AFL-CIO         |           |      |
| P. R. Brown          | Mont. State AFL-CIO         |           |      |
| Everett S. Northland | Montana Farm Bureau         |           |      |
| Pat. Hedberg         | Mont. State AFL-CIO         |           |      |
| W. M. Wilson         | Mont. State AFL-CIO         |           |      |
| Chas. Ward           | Montana Self Insurance Assn |           |      |

MINUTES OF MEETING OF THE  
LABOR AND EMPLOYMENT RELATIONS COMMITTEE  
STATE SENATE

A meeting of the Labor and Employment Relations Committee was called to order by Chairman Siderius January 29, 1973 at 12:00 Noon, Room 402 of the State Capitol Building.

ROLL CALL: All members present with Senator Moore being excused.

Mr. James Carden of the Workmen's Compensation Division was present to go over these bills with the Committee members.

Discussion of SB 123: There is an error in this bill and the amendment was submitted to the Committee. (Amendment on Page 1, line 25). The Governor's Council followed the minimum requirements of the National Commission in drafting these bills. Allows 66 2/3% of the wages at the time of the injury, with a maximum that does not exceed the state's maximum. At no time could he receive more than \$130 per week. Allows for complete credit on Social Security benefits.

Senator Lowe asked if they could collect on both welfare and Workmen's Compensation? No. The Division is constantly checking with the State Welfare Department, as well as local offices. There would be no intentional duplicity.

Senator Shea asked how Montana compared with neighboring states. We are lower than Washington. Mr. Wood stated that Idaho just recodified their laws and we are substantially below Idaho. Their maximum is around \$160.

Senate Bill 129: Amendment on Page 1, lines 23 and 24. 66 2/3% of the worker's wage at the time of injury, disregarding dependency. He could possibly make more money tax-free than when he was working if he collected workmen's compensation benefits and Social Security benefits. Bill allows after 26 weeks, that if a worker did receive Social Security it would be offset 50%. The average time for total temporary disability in Montana is about 13 weeks.

The purpose of this was to try to adjust the compensation rate to the person's income. This would bring us into compliance to July, 1975.

Senator McNamer inquired if there is a federal law, at this time, requiring us to pass this legislation. Mr. Carden stated that no, at the present time there is no federal law but there will be in the future; no one can say for sure when. It could be this session of Congress or 2 or 3 years hence. These are just the recommendations of the National Commission.

Senator Jensen asked if it would be possible to make more than when the injured person was working. Carden replied, yes, so the law would be that with all benefits he would not exceed 80% of the wage.

Mr. Kirkpatrick of the Montana Woods Products Association offered an amendment to SB 129. The amendment would be page 1, line 21 following the words weekly wage "and during the first 26 weeks shall not exceed \$80." Since 1965 the increase in maximum benefits has increased from \$50 to \$80 or approximately 60%. The total cost increase of these plans would be about 62%. Compensation costs are a tremendous cost to the employer. If these were the only increases we were to receive I would say go ahead but there will be all types of increases to industry this year, such as reclamation, pollution, etc.

Mr. Carden stated that these bills have been drafted to attempt to comply with the President's Commission.

Mr. McDonald of the Anaconda Company concurred with Kirkpatrick on the cost. In Senate 123 rather than a cost increase of 15% as stated by the Actuary it would result in a 25% increase to ACM and in Senate Bill 129 instead of a 20% increase it would be closer to a 55% increase to ACM. He suggested that industry be allowed to take these increases in steps a year at a time so that they are not too great a burden on the employers of the state.

Mr. Holding of the St. Regis Paper Company concurred with the above two men. The employer has no opportunity to choose his cost increases in this legislative session.

Senator Bennett asked if the 26 weeks period was for a specific injury. Mr. Carden stated that it was for actual loss of a member.

Mr. Jim Murray of the AFL-CIO stated that representatives of labor and management and almost all of the industries in Montana were represented on the Governor's Council. We bargained and thought we had a pretty well balanced plan that everyone could live with. These bills had to come out of the Council with a unanimous vote of the members.

Mr. McDonald stated for the record that the mining industry was not represented.

Senate Bill 130: Minimum guidelines set forth by the Commission. Two-thirds of the weekly wage, not to exceed the average weekly wage, for no more than 600 weeks.

Senator Lowe inquired if there are no beneficiaries? The mother and father who are not dependent upon the decedent would receive a flat \$3,000. Also a contribution of \$1,000 to the second injury fund. (Amendment page 2, line 4.)

If a woman remarries she is entitled to a 2 year lump sum.

January 29, 1973

Senator Flynn stated to Mr. Holding that when a person's earning power is cut off these people have to be taken care of somehow. Mr. Holding stated that his point is that the increase is too great.

Senate Bill 137: This bill would have to be deleted if a limited number of weeks was accepted. This was written to establish a 500 week limit.

Senator Shea motioned to adjourn, Bertsche seconded the motion. Motion carried.

Meeting adjourned 1:20 p.m.



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SENATOR GEORGE SIDERIUS, CHAIRMAN

MINUTES OF MEETING OF THE  
LABOR AND EMPLOYMENT RELATIONS COMMITTEE  
STATE SENATE

Chairman Siderius called the meeting to order of the Labor and Employment Relations, February 2, 1973, 12:00 in room 402 of the State Capitol Building.

ROLL CALL: All members present.

CONSIDERATION OF SENATE BILLS NO. 113 through 138.

Senator Bennett moved that all of these bills, 113 through 138, be referred to Judiciary for the purpose of "cleaning up the language". Senator Lowe seconded the motion. Motion failed on a tie vote. Chairman Siderius wishes it known that he opposed the motion. (Roll call vote attached).

Senator Lowe made the motion that this packet of labor bills be studied for action to be taken at the 1974 session. Senator Himsl seconded the motion. Motion failed. Roll call vote attached.

SENATE BILL 113: Jensen moved, seconded by Bertsche that SB 113 DO PASS. Motion carried. Senators Lowe, McNamer and Lowe wish the record to show that they reserve the right to oppose all of the bills, 113 through 138, from the floor.

SENATE BILL 114: Senator Keenan moved, seconded by Senator Shea that SB 114 DO NOT PASS. Motion carried.

SENATE BILL 115: Senator Bertsche moved, seconded by Senator Keenan that the amendment on Page 1, line 23 be accepted. Motion carried.

Senator Bertsche moved, seconded by Senator Keenan that the amendment in Section 1, Page 2, beginning with line 4 through 10 be accepted. Motion failed.

Senator Bertsche moved, seconded by Keenan that SB 115 DO PASS AS AMENDED. Motion carried.

SENATE BILL 116: Senator Bertsche moved, seconded by Senator Keenan that SB 116 DO PASS. Motion carried, Senator Lowe opposing.

SENATE BILL 117: Senator Lowe moved, seconded by Senator Shea that SB 117 DO PASS. Motion carried.

SENATE BILL 118: Senator Lowe moved, seconded by Senator Bertsche, that SB 118 DO PASS. Motion carried.

SENATE BILL 119: Senator Shea moved, seconded by Senator Keenan that SB 119 DO PASS. Motion carried.

SENATE BILL 120: Senator Lowe proposed an amendment to Page 1, line 19 by striking the words "in the normal labor market". Seconded by Senator Keenan. Motion carried.

Senator Lowe moved, seconded by Senator Shea that SB 120 DO PASS AS AMENDED. Motion carried.

SENATE BILL 121: Senator Keenan moved, seconded by Senator Jensen that SB 121 DO PASS. Motion carried.

SENATE BILL 122: Senator Shea moved, seconded by Senator Keenan that SB 122 DO PASS. Motion carried.

SENATE BILL 123: Senator Bennett moved, seconded by Senator McNamer that the amendment on Page 1, Section 1, line 25 be accepted. Motion carried.

Senator Keenan moved, seconded by Senator Jensen that SB 123 DO PASS AS AMENDED. Motion carried, Senator Lowe opposing.

Senator Lowe moved that on Page 1, line 20 and 21 be amended by striking the words "the state's average weekly wage." and inserting in lieu thereof the word and figure "eighty-five dollars (\$85))"

Chairman Siderius resisted the motion. Motion made and seconded that SB 123 DO PASS AS AMENDED. Motion carried, Senator Lowe opposing.

SENATE BILL 124: Chairman Siderius had an amendment to SB 124 but the hour being 1:30 Senator Jensen moved to adjourn, seconded by Senator Keenan. Motion carried.

This committee will meet on Monday, February 5, at 12:00 Noon.

  
SENATOR GEORGE SIDERIUS, CHAIRMAN



MINUTES OF MEETING OF THE  
LABOR AND EMPLOYMENT RELATIONS COMMITTEE  
STATE SENATE

A meeting of the Labor and Employment Relations Committee was called to order by Chairman Siderius, February 5, 1973, at 12:00 Noon, Room 402 of the State Capitol Building.

ROLL CALL: All members present.

SENATE BILL 124: A new sub-section following sub-section (6), page 2, line 3 to read as follows: "(7) Agricultural employment when there are three (3) or less employees, or the gross annual payroll does not exceed eighteen thousand dollars (\$18,000)."

Senator Bertsche moved, seconded by Senator Keenan, that the amendment be accepted. Motion carried.

Senator Bertsche moved, seconded by Senator Keenan that SB 124 DO PASS AS AMENDED. Motion carried.

SENATE BILL 125: Senator Bertsche moved, Seconded by Senator Lowe that the amendment in Section 2, lines 21 through 24 by striking the sub-section and renumbering the sub-section (3) as (2) and on page 1, line 25, strike the words "the individual" and "customarily", be accepted. Motion carried.

Senator Flynn moved, seconded by Senator Bertsche that SB 125 DO PASS AS AMENDED. Motion carried.

SENATE BILL 126: Senator Bertsche moved, seconded by Senator Lowe that the amendment in the title of the bill being line 7 and 8, by striking the words "APPROVED BY THE DIVISION OF WORKMEN'S COMPENSATION", be accepted. Motion carried.

Senator Bertsche moved, seconded by Senator Flynn that line 25 be amended by adding before the "period" the following "for the injuries sustained", and page 2, line 5 by striking the words "for approval" and page 2, line 7 by adding after the word "period" the following: "unless the division and the hospital agree to interim amendments of the schedule". Motion carried.

Senator Shea moved, seconded by Senator Lowe that Senate Bill 126 DO PASS AS AMENDED. Motion carried.

SENATE BILL 127: To be discussed further. Amendments to be prepared.

SENATE BILL 128: Senator Lowe submitted an amendment for Section 1, Page 1, line 22, after the word "year" delete the "comma" and add a "period" and strike the rest of line 22, all of line 23 and 24. Motion for the amendment carried.

Senator Lowe moved, seconded by Senator Keenan that SB 128 DO PASS AS AMENDED. Motion carried.

SENATE BILL 129: Senator Lowe moved, and seconded by Senator McNamer that page 1, section 1, line 20 after the word "exceed" insert the following: "sixty-six and two-thirds percent (66 2/3%) of" and page 1, section 1, line 23 and 24 by striking the word "disability". Motion carried.

The motion was made and seconded that SB 129 DO PASS AS AMENDED.  
Motion carried.

SENATE BILL 130: Senator Bertsche moved, seconded by Senator Jensen that the amendment on page 2, line 4, strike "disability" be accepted.  
Motion carried.

Senator Bertsche moved, seconded by Senator Flynn that SB 130 DO PASS AS AMENDED. Motion carried.

SENATE BILL 131: Senator Bennett submitted an amendment to the title of the bill, being line 9 by adding after the word "ACT;" the following: "AND PROVIDING CRIMINAL PENALTIES;". Senator McNamer seconded the motion. Motion carried. Further action delayed on this bill.

SENATE BILL 132: Senator Bertsche moved, seconded by Senator Lowe that SB 132 DO PASS. Motion carried.

The hour being 1:20 the meeting was adjourned.

  
SENATOR GEORGE SIDERIUS, CHAIRMAN

1 SENATE BILL NO. 130

2 INTRODUCED BY MCKEON, SIDERIUS

3  
4 92-704

5  
6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING COMPENSATION  
7 FOR INJURIES CAUSING DEATH UNDER THE WORKMEN'S COMPENSATION  
8 ACT; REPEALING SECTION 92-704, R.C.M. 1947."

9  
10 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF  
11 MONTANA:

12 Section 1. There is a new section to be numbered  
13 92-704.1, R.C.M. 1947, which reads as follows:

14 92-704.1. Compensation for injury causing death.  
15 Weekly compensation benefits for injury causing death shall  
16 be sixty-six and two-thirds percent (66 2/3%) of the  
17 decedent's wages. The maximum weekly compensation benefits  
18 shall not exceed the state's average weekly wage. The  
19 minimum weekly compensation for death shall be fifty percent  
20 (50%) of the state's average weekly wage, but in no event  
21 shall it exceed the decedent's actual wages at the time of  
22 his death.

23 Death benefits shall be paid to a widow or widower for  
24 life or until remarriage, and in the event of remarriage two  
25 (2) years' benefits shall be paid in a lump sum to the widow

1 or widower. In all cases, benefits shall be paid to  
2 beneficiaries as defined in this act.

3 In cases where it is determined that periodic  
4 ~~disability~~ benefits granted by the Social Security Act, 42  
5 U. S. C. 301 (1935), are payable because of the injury  
6 causing death, the weekly benefits payable under this  
7 section shall be reduced by the amount of the federal  
8 periodic benefits for such week.

9 Section 2. Section 92-704, R.C.M. 1947, is repealed.

-End-

Be amended on page 1, Subsection (2), being lines 21 through 24, by striking it in its entirety, and;

Further amend by renumbering Subsection (3) to become Subsection (2), and;

Further amend in the newly renumbered Subsection (2), by striking the words "the individual" and "customarily" on line 25;

And as so amended, do pass.

SIDERIUS, Chairman

Report adopted.

Mr. President: We, your Committee on Labor and Employment Relations, having had under consideration Senate Bill No. 126, respectfully report as follows: That Senate Bill No. 126 be amended as follows:

Be amended in the title of the bill on page 1, being lines 7 and 8 by striking the words "approved by the Division of Workmen's Compensation"; and

Further amend page 1, line 25, after the word "division" by adding the following words "for the injuries sustained"; and

Further amend page 2, Section 1, line 5, by striking the words "for approval"; and

Further amend page 2, Section 1, line 7, following the word "period" add the following new material "unless the division and the hospital agree to interim amendments of the schedule";

And as so amended, do pass.

SIDERIUS, Chairman

Report adopted.

Mr. President: We, your Committee on Labor and Employment Relations, having had under consideration Senate Bill No. 128, respectfully report as follows: That Senate Bill No. 128 be amended as follows:

Be amended on page 1, Section 1, line 22, by striking the punctuation "comma" and by inserting a "period" and by striking the rest of line 22, all of lines 23 and 24;

And as so amended, do pass.

SIDERIUS, Chairman

Report adopted.

Mr. President: We, your Committee on Labor and Employment Relations, having had under consideration Senate Bill No. 129, respectfully report as follows: That Senate Bill No. 129 be amended as follows:

Be amended in Section 1, page 1, line 20, after the word "exceed" insert the following words and figures: "sixty-six and two-thirds percent (66 $\frac{2}{3}$ %); and

Further amend in Section 1, page 1, lines 23 and 24, by striking the word "disability";

And as so amended, do pass.

SIDERIUS, Chairman

Report adopted.

Mr. President: We, your Committee on Labor and Employment Relations, having had under consideration Senate Bill No. 130, respectfully report as follows: That Senate Bill No. 130 be amended as follows:

Be amended on page 2, line 4, by striking the word "disability";

And as so amended, do pass.

SIDERIUS, Chairman

Report adopted.

Mr. President: We, your Committee on Labor and Employment Relations, having had under consideration Senate Bill No. 132, respectfully report as follows: That Senate Bill No. 132 do pass.

SIDERIUS, Chairman

Report adopted.

The President signed House Bill No. 4 in open session, the title having first been read.

The President signed House Bill No. 14 in open session, the title having first been read.

The President signed House Bill No. 32 in open session, the title having first been read.

The President signed House Bill No. 33 in open session, the title having first been read.

The President signed House Bill No. 72 in open session, the title having first been read.

The President signed House Joint Resolution No. 3 in open session, the title having first been read.

Mr. President: We, your Committee on Natural Resources, having had under consideration Senate Bill No. 188, respectfully report as follows: That Senate Bill No. 188 be amended as follows:

Amend duplicate Senate Bill No. 188 on page 1, Section 2, line 14, by adding a new Section 2 to read as follows: "Section 2. It is the legislative purpose of this act to establish a regularized, systematic program of self-monitoring and self-disclosure by industries which emit, discharge or dispose of potentially critical materials.";

And further amend Section 3, page 2, line 3, following the word "department" by adding the following words and figures "by January 1, 1974";

And further amend page 2, Section 4, line 12, by striking the words "annually, during the month of January, with the department" and substituting in lieu thereof the following words and punctuation "at intervals as directed by the department, but not less often than annually,";

And further amend page 2, Section 4, line 18, following the word "liquid" by adding the word and punctuation ", gaseous";

And further amend page 2, Section 4, Subsection 3, line 20, following the word "pollutants" by adding the words and figures "expected to be emitted during the ensuing twelve (12) months";

And further amend page 2, Section 4, following line 22, to add a new Subsection as follows: "(4) the measured or calculated annual, and average daily gallons or pounds of liquid, gaseous or solid wastes, and levels, concentrations, or quantities of emissions of air pollutants and discharges of water pollutants that were emitted during the preceding twelve (12) months. This shall include, but not be limited to, process and cooling water discharged into the water, the air, or a sewer system; and";

And further amend page 2, Section 4, following the new Subsection (4) by adding a new Subsection to read: "(5) such current information about pollution emissions, discharges or disposals, or such other information, as the department may, by regulation, require.";

And further amend page 2, following line 22, by adding a new Section

Upon motion of Senator DeWolfe, duly carried, that Senate Bill No. 143 be taken from printing and rereferred to the Committee on Business and Industry.

Upon motion of Senator DeWolfe, duly carried, that Senate Bill No. 351 be taken from printing and rereferred to the Committee on Business and Industry.

Upon motion of Senator Moore, duly carried, that the Workmen's Compensation package on Second Reading be passed for the day. The following bills being included: Senate Bills Nos. 113, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 130 and 132.

Upon motion of Senator Turnage, duly carried, that Senate Bill No. 271 on Second Reading be rereferred to the Committee on Judiciary.

The following resolution was received and read:

#### SENATE RESOLUTION NO. 10

Introduced by Goodheart, Bollinger, Nees, McCallum

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA REQUESTING THAT THE LEGISLATIVE COUNCIL REVIEW, RECODIFY, CLARIFY AND SUGGEST IMPROVEMENTS TO THE MONTANA CODES RELATING TO FIRE DEPARTMENT ORGANIZATION, AUTHORITY, DUTIES, FUNCTIONS AND RELATED ACTIVITIES, REPORTING THEIR FINDINGS AND RECOMMENDATIONS TO THE FORTY-FOURTH LEGISLATIVE ASSEMBLY.

WHEREAS, many of the laws which make up the Montana Codes relating to fire departments were enacted more than forty (40) years ago and are patently obsolete, and

WHEREAS, the authority delegated to various officials by the Codes is not clear, and

WHEREAS, there are Codes dealing with related functions of fire departments that duplicate and conflict with each other, and

WHEREAS, some of the Codes dealing with fire protection areas are so ambiguous that they defy interpretation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Legislative Council is requested to review the Montana Codes pertaining to fire departments, determine where obsolete and unnecessary statutes can be eliminated, where conflicts can be resolved, and where such laws might otherwise be clarified and improved, and

BE IT FURTHER RESOLVED, that the Legislative Council is requested to consult with the chief of the fire marshal bureau, and the various fire service organizations in the state in the conduct of the study and with other persons or organizations as may be deemed desirable, and

BE IT FURTHER RESOLVED, that the Legislative Council submit a written report of its findings, together with recommendations and legislation if necessary, to the Forty-fourth Legislative Assembly, and

BE IT FURTHER RESOLVED, that the Secretary of the Senate is instructed to send copies of this Resolution to the executive director of the Legislative Council and to the chief of the fire marshal bureau.

Referred to Committee on Legislative Administration.



into a Committee of the Whole for the consideration of Business on Second Reading.

Senator Goodheart in the Chair. Committee arose.

Senate resumed. President Christiansen presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That Senate Resolution No. 8 be adopted. Unanimously adopted.

That Senate Bill No. 277 be indefinitely postponed. Unanimously passed.

That Senate Bill No. 113 do pass. Unanimously passed.

That Senate Bill No. 115 be amended in the Title, line 9, by deleting the word "Housekeeping".

And further amend Senate Bill No. 115, Section 1, page 2, line 9, after the word "division" by deleting the word "may" and inserting in lieu thereof the word "shall".

And further amend Senate Bill No. 115, Section 5, page 5, line 11, by deleting the period and quotation marks "." and in inserting in lieu thereof the following words and punctuation "Providing, however, that in computing the payroll in agricultural employment, the payroll payable only in money shall be used in computation." "

And as so amended, do pass. Unanimously passed.

That Senate Bill No. 116 do pass. Unanimously passed.

That Senate Bill No. 117 do pass. Unanimously passed.

That Senate Bill No. 118 do pass. Unanimously passed.

That Senate Bill No. 119 do pass. Unanimously passed.

That Senate Bill No. 120 be amended in line 19, page 1, Section 1 of said bill after the word "kind" by inserting the following words "in the normal labor market", and as amended, do pass. Unanimously passed.

That consideration of Senate Bill No. 121 be passed. Unanimously passed.

That Senate Bill No. 122 do pass. Unanimously passed.

That Senate Bill No. 123 do pass. Unanimously passed.

That consideration of Senate Bill No. 124 be passed. Unanimously passed.

That Senate Bill No. 125 do pass. Opposed by McNamer.

That Senate Bill No. 126 do pass. Unanimously passed.

That Senate Bill No. 128 do pass. Unanimously passed.

That Senate Bill No. 129 do pass. Opposed by Bennett, Bollinger, De-vine, DeWolfe, Flynn, Gilfeather, Goodheart, Groff, Hall, Jensen, Keenan, Lynch, McCallum, McDonald, McKeon, Nees, Shea, Siderius, Zody.

That Senate Bill No. 130 do pass. Unanimously passed.

That Senate Bill No. 132 do pass. Unanimously passed.

Ayes: Aber, Bennett, Bertsche, Boylan, Breeden, Broeder, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moritz, Northey, Shea, Siderius, Sorenson, Story, Thiessen, Turnage, Vainio, Zody. Total 44.

Noes: Carl, Moore, Rosell. Total 3.

Absent and not voting: Nees. Total 1.

Excused: Bollinger, Drake. Total 2.

Senate Bill No. 130, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Boylan, Breeden, Broeder, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Groff, Hall, Harrison, Hazelbaker, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McNamer, McOmber, Moritz, Nees, Northey, Shea, Siderius, Sorenson, Story, Thiessen, Vainio, Zody. Total 43.

Noes: Carl, Moore, Rosell. Total 3.

Absent and not voting: Graham, Turnage. Total 2.

Excused: Bollinger, Drake. Total 2.

Senate Bill No. 132, having been read three several times, was passed by the following roll call vote:

Ayes: Bennett, Bertsche, Boylan, Breeden, Broeder, Cochrane, Darrow, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, McDonald, McGowan, McNamer, McOmber, Moritz, Nees, Rosell, Shea, Siderius, Sorenson, Turnage, Vainio, Zody. Total 37.

Noes: Aber, Carl, Deschamps, Hazelbaker, Mathers, McCallum, Moore, Northey, Story, Thiessen. Total 10.

Absent and not voting: McKeon. Total 1.

Excused: Bollinger, Drake. Total 2.

Senate Bill No. 134, having been read three several times, was passed by the following roll call vote:

Ayes: Bennett, Bertsche, Boylan, Breeden, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Himsl, Jensen, Keenan, Lynch, Manning, McDonald, McGowan, McKeon, McNamer, McOmber, Moritz, Shea, Siderius, Sorenson, Thiessen, Vainio, Zody. Total 32.

Noes: Aber, Broeder, Carl, Cochrane, Hazelbaker, Klindt, Lowe, Mathers, McCallum, Moore, Northey, Rosell, Story, Turnage. Total 14.

Absent and not voting: James, Nees. Total 2.

Excused: Bollinger, Drake. Total 2.

Senate Bill No. 135, having been read three several times, was passed by the following roll call vote:

Ayes: Aber, Bennett, Bertsche, Boylan, Breeden, Broeder, Cochrane, Darrow, Deschamps, Devine, DeWolfe, Flynn, Gilfeather, Goodheart, Graham, Groff, Hall, Harrison, Himsl, James, Jensen, Keenan, Klindt, Lowe, Lynch, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, Mc-



## MONTANA SENATE

REGULAR SESSION

## ROLL CALL

1973 LEGISLATURE

| YEAS               | N-V | NAYS |
|--------------------|-----|------|
| <u>C. Aber</u>     | (D) |      |
| <u>C. Bennett</u>  | (R) |      |
| <u>C. Bertsche</u> | (D) |      |
| <u>Bollinger</u>   | (D) |      |
| <u>Boylan</u>      | (D) |      |
| <u>Breeden</u>     | (R) |      |
| <u>Broeder</u>     | (R) |      |
| <u>Carl</u>        | (R) |      |
| <u>Cochrane</u>    | (R) |      |
| <u>Darrow</u>      | (R) |      |
| <u>Deschamps</u>   | (R) |      |
| <u>Devine</u>      | (D) |      |
| <u>DeWolf</u>      | (D) |      |
| <u>Drake</u>       | (R) |      |

| YEAS              | N-V | NAYS |
|-------------------|-----|------|
| <u>Flynn</u>      | (D) |      |
| <u>Gilfeather</u> | (D) |      |
| <u>Goodheart</u>  | (D) |      |
| <u>Graham</u>     | (D) |      |
| <u>Groff</u>      | (D) |      |
| <u>Hall</u>       | (D) |      |
| <u>Harrison</u>   | (R) |      |
| <u>Hazelbaker</u> | (R) |      |
| <u>Himsl</u>      | (R) |      |
| <u>James</u>      | (D) |      |
| <u>Jensen</u>     | (D) |      |
| <u>Keenan</u>     | (D) |      |
| <u>Klindt</u>     | (R) |      |
| <u>Lowe</u>       | (R) |      |

| YEAS            | N-V | NAYS |
|-----------------|-----|------|
| <u>Lynch</u>    | (D) |      |
| <u>Manning</u>  | (D) |      |
| <u>Mathers</u>  | (R) |      |
| <u>McCallum</u> | (R) |      |
| <u>McDonald</u> | (D) |      |
| <u>McGowan</u>  | (D) |      |
| <u>McKeon</u>   | (D) |      |
| <u>McNamer</u>  | (R) |      |
| <u>McOmber</u>  | (D) |      |
| <u>Moore</u>    | (R) |      |
| <u>Moritz</u>   | (R) |      |
| <u>Nees</u>     | (D) |      |
| <u>Northey</u>  | (R) |      |
| <u>Rosell</u>   | (R) |      |

| YEAS            | N-V | NAYS |
|-----------------|-----|------|
| <u>Shea</u>     | (D) |      |
| <u>Siderius</u> | (D) |      |
| <u>Sorensen</u> | (D) |      |
| <u>Story</u>    | (R) |      |
| <u>Thiessen</u> | (D) |      |
| <u>Turnage</u>  | (R) |      |
| <u>Vainio</u>   | (D) |      |
| <u>Zody</u>     | (D) |      |

Mr. PresidentSB 130 3<sup>rd</sup> rdgAyes 43 Noes 3 Exc 2 Abs 243 TOTALS 3

| YEAS     | N-V      | NAYS     |
|----------|----------|----------|
| 100-200  | 100-200  | 100-200  |
| <u>0</u> | <u>0</u> | <u>0</u> |
| <u>1</u> | <u>1</u> | <u>1</u> |
| <u>2</u> | <u>2</u> | <u>2</u> |
| <u>3</u> | <u>3</u> | <u>3</u> |
| <u>4</u> | <u>4</u> | <u>4</u> |
| <u>5</u> | <u>5</u> | <u>5</u> |
| <u>6</u> | <u>6</u> | <u>6</u> |
| <u>7</u> | <u>7</u> | <u>7</u> |
| <u>8</u> | <u>8</u> | <u>8</u> |

SEN BILL NUMBER 130

| HOUSE        | BILL       |
|--------------|------------|
| SENATE       | RESO.      |
| <u>1000</u>  | <u>100</u> |
| <u>2000</u>  | <u>200</u> |
| <u>3000</u>  | <u>300</u> |
| <u>4000</u>  | <u>400</u> |
| <u>Int.</u>  | <u>500</u> |
| <u>Conc.</u> | <u>600</u> |
| <u>Emer.</u> | <u>700</u> |
| <u>3rd R</u> | <u>800</u> |
| <u>Ordn</u>  | <u>900</u> |

| DATE           |
|----------------|
| <u>1</u>       |
| <u>Jan. 2</u>  |
| <u>Feb. 3</u>  |
| <u>Mar. 1</u>  |
| <u>Apr. 2</u>  |
| <u>May 3</u>   |
| <u>June 4</u>  |
| <u>July 5</u>  |
| <u>Aug. 6</u>  |
| <u>Sept. 7</u> |
| <u>Oct. 8</u>  |
| <u>Nov. 9</u>  |

## LABOR AND EMPLOYMENT RELATIONS

Chairman - Pat McKittrick - D - Dist. # 13

Vice Chairman - Jerry V. Lombardi - D - Dist. # 20 31

William R. Baeth - D - Dist. # 23 36

John F. Bell - R - Dist. # 12 81

Barbara K. Bennetts - D - Dist. # 12 94

Richard A. Colberg - D - Dist. # 8 60

Vic East - R - Dist. # 6 89

Robert A. Ellerd - R - Dist. # 11 38

James W. Flynn - D - Dist. # 21 20

William C. Hodges - D - Dist. # 13 75

Gary Kimble - D - Dist. # 18 88

Robert E. Lee - D - Dist. # 20 32

John F. Tierney - R - Dist. # 13 55

George Turman - R - Dist. # 18 4

Clyde A. Turner - R - Dist. # 16 67

## ROLL CALL

LABOR AND EMPLOYMENT RELATIONS COMMITTEE

43 rd LEGISLATIVE SESSION 1973

[illegible]

## 1 SENATE BILL NO. 130

2 INTRODUCED BY MCKEON, SIDERIUS

3  
4 92-7045  
6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING COMPENSATION  
7 FOR INJURIES CAUSING DEATH UNDER THE WORKMEN'S COMPENSATION  
8 ACT; REPEALING SECTION 92-704, R.C.M. 1947."9  
10 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF  
11 MONTANA:12 Section 1. There is a new section to be numbered  
13 92-704.1, R.C.M. 1947, which reads as follows:14 92-704.1. Compensation for injury causing death.  
15 Weekly compensation benefits for injury causing death shall  
16 be sixty-six and two-thirds percent ( $66 \frac{2}{3}\%$ ) of the  
17 decedent's wages. The maximum weekly compensation benefits  
18 shall not exceed the state's average weekly wage. The  
19 minimum weekly compensation for death shall be fifty percent  
20 (50%) of the state's average weekly wage, but in no event  
21 shall it exceed the decedent's actual wages at the time of  
22 his death.23 Death benefits shall be paid to a widow or widower for  
24 life or until remarriage, and in the event of remarriage two  
25 (2) years' benefits shall be paid in a lump sum to the widow

1 or widower. In all cases, benefits shall be paid to  
2 beneficiaries as defined in this act.

3 In cases where it is determined that periodic  
4 ~~disability~~ benefits granted by the Social Security Act, 42  
5 U. S. C. 301 (1935), are payable because of the injury  
6 causing death, the weekly benefits payable under this  
7 section shall be reduced by the amount of the federal  
8 periodic benefits for such week.

9 Section 2. Section 92-704, R.C.M. 1947, is repealed.

-End-

February 23, 1973

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the Labor and Employment Relations Committee was held on Friday, February 23, 1973 at 10:30 a.m. in Room 428A with Chairman Pat McKittrick presiding. All members were present except Reps. Colberg and Lee, who were excused.

SENATE BILL # 123 -- SPONSOR: Sen. McKeon said that the bill provides for total permanent disability to receive compensation under the Workmen's Comp. Act. Sen. Siderius endorsed the statements made by Sen. McKeon. Jim Murry, AFL-CIO, supports all of these bills (113-138) minus the Senate amendments. Jim Carden said that it pays 66 2/3% of an injured worker's earnings, not to exceed the state average, under this bill. It provides that any Social Security the injured worker receives will be credited against the Workmen's Comp. benefits. Questions followed. Mr. Neil Keefer, Governor's Advisory Committee, -- drafted the bulk of this package of bills. He helped answer some of the Committee's questions on this and the following bills.

SENATE BILL # 124 -- SPONSOR: Sen. Siderius said that when it was acted on by the Senate Committee, it was amended to have farmers covered. On the floor, in order for the bill to be passed the amendments had to be withdrawn. He urged re-adoption of the amendments. Questions followed.

SENATE BILL # 125 -- SPONSOR: Sen. Siderius introduced Jim Carden, Workmen's Comp., who explained this and some of the following bills. The bill amends the present definition of "independent contractor" to be more liberal. Questions followed. Robert Holding, St. Regis Paper Company, helped answer some of the questions.

SENATE BILL # 126 -- SPONSOR: Sen. McKeon. Jim Carden said that it extends the benefits beyond the three year period for totally permanently disabled workers, in line with the recommendations of the President's Commission. The amendments are allowing, on the showing of a good cause, extensions beyond the three years. The bill doesn't have a large cost factor, because a majority of the cases are resolved in a year and a half. Rep. Driscoll said that the bill should be amended to become retroactive. Questions followed. Jim Murry spoke for the Montana Hospital Assoc. in saying that they preferred it to be handled on a fiscal year basis rather than a calendar year.

SENATE BILL # 127 -- SPONSOR: Sen. McKeon. Jim Carden said that it has to do with a recovery from a third party action that may arise out of negligence. Under the current law, an employee may sue that third party. The insurance carrier may recover up to 50% of the compensation paid to him. To offset the cost of this package of bills, the rate of recovery by the insurance carrier has been changed to up to 100%. Neil Keefer spoke on it -- he wanted the Committee to either kill the bill or strike the Senate amendments. The amendment on page 3, line 19 of the bill was drawn up as a compromise. Questions followed.

February 23, 1973

Page 2

SENATE BILL # 128 -- SPONSOR: Sen. Bertsche . Jim Carden said that the bill defines "average weekly wage", referring the recommendations of the National Commission. Sen. McKeon urged striking of the Senate amendments.

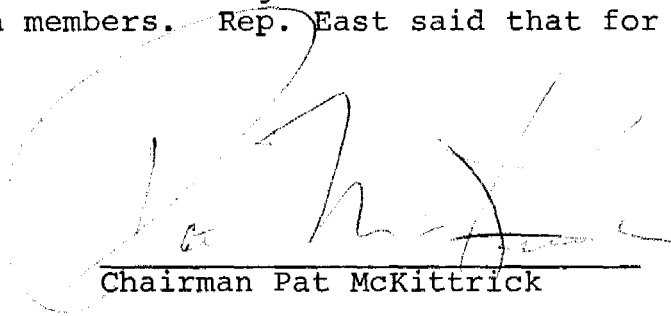
SENATE BILL # 129 -- SPONSOR: Sen. McKeon opposed the Senate amendments vigorously. They destroy the monetary value of the package. Questions followed.

SENATE BILL # 130 -- SPONSOR: Sen. McKeon said that this bill increases the compensation for death benefits. Jim Murry further explained the bill. Questions followed.

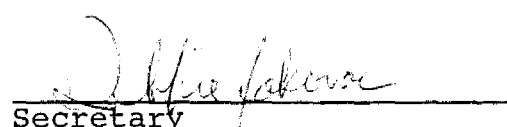
The Committee approved the suggestion that a letter be drafted commending the participants in the Governor's Commission for such fine effort and recommended that the Governor continue this Commission.

Jim Murry had said earlier that decisions concerning rate increases had been opposed by some of the Commission members. Rep. East said that for the record he was not one of those.

Meeting was adjourned.



Chairman Pat McKittrick



Secretary

NAME James W. Murray SB 123, 124, 125, 126, 127, 128, 129, and 130  
ADDRESS P.O. Box 1176 BILL NO. 130 DATE \_\_\_\_\_  
Helena, Mont.  
WHOM DO YOU REPRESENT? Mont. State AFL-CIO

SUPPORT? \_\_\_\_\_ OPPOSE? \_\_\_\_\_ AMEND? ☒

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

*We support these bills, but  
without the Senate amendments.*



NAME Paul J. Kupper BILL No. \_\_\_\_\_  
ADDRESS 223 Hart Hall 304 DATE \_\_\_\_\_  
Bellings, Montana  
WHOM DO YOU REPRESENT? Senator's Advisory Committee

SUPPORT? ✓ OPPOSE? \_\_\_\_\_ AMEND? \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

*Support legislative package as drafted by  
Governor's advisory committee. Delete Senate  
amendments.*

February 28, 1973

LABOR AND EMPLOYMENT RELATIONS COMMITTEE PROCEEDINGS:

A meeting of the Labor and Employment Relations Committee was held on Wednesday, February 28, 1973 at 10:30 a.m. in Room 428A with Chairman Pat McKittrick presiding. All members were present.

SENATE BILL NO. 131 -- SPONSOR: Sen. Siderius -- in this bill a lot of obsolete language is removed from the penalty codes. Questions followed.

SENATE BILL NO. 132 -- SPONSOR: Sen. Keenan -- this bill will increase the age limit from 21 to 22 years from which benefits can be paid to a full-time student in an accredited school. Questions followed.

SENATE BILL NO. 133 -- SPONSOR: Sen. Siderius -- this puts the Workmens' Comp. Division under the Merit System. Jim Murry, AFL-CIO, said that this bill was not a part of the package made by the Governor's council. Rep. McKittrick presented some amendments proposed by the governor. They make it clear that the administrator is not federally protected.

SENATE BILL NO. 134 -- SPONSOR: Sen. Siderius -- this bill changes the decibel limit from 100 to 92 concerning deafness, in conformance with OSHA. Questions followed.

SENATE BILL NO. 135 -- SPONSOR: Sen. Keenan -- this bill provides for more than 26 weeks of temporary total disability compensation benefits in cases of permanent injury or non-scheduled injury. Questions followed.

SENATE BILL NO. 136 -- SPONSOR: Sen. Siderius -- the bill clarifies the Workmens' Comp. Division account within the general fund.

SENATE BILL NO. 137 -- SPONSOR: Sen. Siderius -- another house-keeping bill, deleting language in reference to major and minor dependents not residing in the U.S. Questions followed.

SENATE BILL NO. 138 -- SPONSOR: Sen. Siderius -- this is one of the most important bills in the package. It provides for the rehabilitation of injured workmen. It raises money for the fund. Jim Murry, AFL-CIO, -- the present situation works an unfairness on both employees and employers. Employers are reluctant to hire disabled persons. This act would establish a separate fund from which a worker could be paid. Joe Rossman, Montana Teamsters Council -- wishes to add the Council's support of the bill. Questions followed.

Rep. McKittrick was excused for a few minutes; Rep. Lombardi took over, and the following action took place:

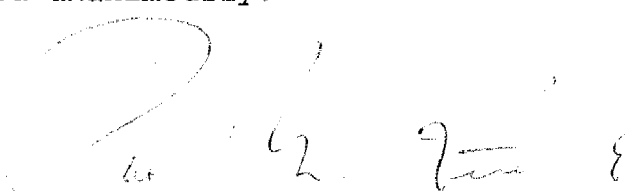
February 28, 1973

seconded it. Motion carried unanimously.

SB # 129: Rep. Baeth moved to amend it on lines 20 and 21, p. 1, by striking the percentage provision; seconded by Rep. Turman. Motion carried; East and Bell opposed. Lee moved that it BE CONCURRED IN AS AMENDED, seconded by Colberg. Motion carried, East, Turner and Bell opposed.

SB # 130: Rep. Baeth moved, Colberg seconded, that it BE CONCURRED IN. Motion carried unanimously.

Meeting was adjourned.

  
Chairman Pat McKittrick

\_\_\_\_\_  
Secretary

derson, Hageman, Hager, Hall, Halvorson, H. Harper, Hodges, Holmes, Holtz, Jacobsen, Johnston, Kendall, Kessner, Kvaalen, Lien, Lockrem, Lund, Lundgren, Marbut, Marks, Mercer, Nichols, Norman, Olson, Regan, Roberts, Rolfe, Schepens, Seistad, Shelden, Staigmillar, Stoltz, Swanberg, Turman, Ulmer, Warfield, Watt, Yardley, Zimmer, Mr. Speaker. Total 54.

Excused: None.

Absent or not voting: Kimble, Towe. Total 2.

Paired: Bardanouve—Nay, Cox—Aye; Hageman—Nay, Mehrens—Aye.

Thereupon, the motion to reconsider carried.

Fasbender, having voted on the prevailing side, moved to reconsider Senate Amendments to House Bill No. 142.

Motion carried.

Fasbender moved that the Speaker appoint a conference committee to meet with a like committee from the Senate to discuss Senate Amendments to House Bill No. 142.

Motion carried.

Bradley, having voted on the prevailing side, moved that the House reconsider its action in adopting on Second Reading, Senate Bill No. 207.

Motion failed.

### FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time and referred to Committee:

House Resolution No. 23, introduced by Tierney, Turman, Murphy, Bennetts: A resolution of the House of Representatives of the State of Montana to urge the President of the United States to reinstate funding for economic opportunity act programs. Referred to Committee on Constitution, Elections and Federal Relations.

House Bill No. 592, introduced by Marbut, Fasbender, Lund, Bardanouve: A bill for an act entitled: "An act for the codification and general revision of the laws relating to the Department of Institutions, and providing that this act is effective upon its passage and approval." Referred to Committee on State Administration.

House Bill No. 593, introduced by Marbut, Fasbender, Lund, Bardanouve: A bill for an act entitled: "An act for the codification and general revision of the laws relating to the Department of Social and Rehabilitation Services." Referred to Committee on State Administration.

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Hall moved that the House resolve itself into a Committee of the Whole, for the consideration of business on Second Reading under the rules of the previous sitting.

Motion carried.

Barrett in the Chair. Committee arose.

Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 249 be concurred in (54-17).

That Senate Bill No. 250 be concurred in (53-19).

That Senate Bill No. 275 be concurred in (71-3).

That Senate Bill No. 361 be concurred in (65-8).

That Senate Joint Resolution No. 14 be concurred in (80-0).

That Senate Joint Resolution No. 31 be concurred in (73-0).

That Senate Joint Resolution No. 34 be concurred in (73-2).

That Senate Joint Resolution No. 38 be concurred in (66-2).

That House Resolution No. 14 be adopted (68-0).

That House Resolution No. 15 be adopted (54-19).

That House Resolution No. 16 be adopted (74-1).

That Senate Bill No. 195 be concurred in (68-0).

That Senate Bill No. 408 be concurred in (82-0).

That Senate Bill No. 203 be concurred in (77-5).

That Senate Bill No. 23 be concurred in (59-25).

That Senate Bill No. 94 be amended on page 9, line 21 of the House amendments by showing that the word "feet" is deleted material. (77-0).

And as amended, be concurred in (97-0).

That Senate Bill No. 103 be amended on page 2 of the third reading bill, by deleting the word "[bodily]" and inserting the word "personal" (70-0).

And be further amended in section 3, page 3, line 4 of the third reading bill by adding the material "as defined herein" before the period (61-1).

And be further amended in section 3, third reading bill, line 23, page 3, by striking the word "[policy]" and inserting in lieu thereof the word "type" and on line 24, page 3 by adding before the period the words "as enumerated in the preceding paragraph." (64-0).

And further amend section 7, third reading bill, page 5, lines 3 and 4 by deleting the words "[or a political subdivision]" and further amend by adding at the beginning of line 11, page 5, the material "(2)", (68-0).

And as amended, be concurred in (81-0).

That Senate Bill No. 123, be concurred in (64-14).

That Senate Bill No. 124, be concurred in (76-3).

That Senate Bill No. 125, be concurred in (64-6).

That Senate Bill No. 126, be concurred in (81-1).

That Senate Bill No. 130, be concurred in (60-9).

That Senate Bill No. 131, be concurred in (71-0).

That Senate Bill No. 132, be concurred in (74-3).

That Senate Bill No. 134 be amended in line 13, page 6, by deleting the figure "[2]" in "1972" and inserting in lieu thereof the figure "4", making the date "1974" and further amend the title, after "1947" by insert-

Senate Bill No. 123 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Baeth, Bardanouve, Barrett, Baucus, Bell, Bennetts, Bradley, Brand, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, Edland, Fagg, Fasbender, Fleming, Flynn, Forsgren, Glennen, Greely, Gunderson, Hageman, Hager, Haines, Hall, Halvorson, Harper, H., Harper, R., Healy, Hodges, Holmes, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Murphy, Nichols, Norman, Prevost, Quilici, Roberts, Schepens, Sheldon, Staigmler, Stephens, Stoltz, Swanberg, Tierney, Turman, Turner, Ulmer, Warfield, Watt, Yardley, Mr. Speaker. Total 82.

Noes: Asbjornson, Burnett, East, Ellerd, Galt, Holtz, Hubing, Mercer, Olson, Rolfe, Schye, Selstad, Smith, Walborn. Total 14.

Excused: Seifert. Total 1.

Absent or not voting: Regan, Towe, Zimmer. Total 3.

Senate Bill No. 125 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Bardanouve, Barrett, Baucus, Bell, Bennetts, Bradley, Brand, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Haines, Hall, Halvorson, Harper, H., Harper, R., Healy, Hodges, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Kendall, Kessner, Kimble, Kolstad, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lynch, McKittrick, Manuel, Marbut, Marks, Menahan, Mercer, Murphy, Nichols, Norman, Olson, Prevost, Quilici, Roberts, Schepens, Schye, Selstad, Sheldon, Staigmler, Stephens, Stoltz, Swanberg, Tierney, Turman, Turner, Ulmer, Walborn, Warfield, Watt, Yardley, Mr. Speaker. Total 88.

Noes: Burnett, Forsgren, Rolfe, Smith. Total 4.

Excused: Seifert. Total 1.

Absent or not voting: Jones, Kosena, Lundgren, Mehrens, Regan, Towe, Zimmer. Total 7.

Senate Bill No. 126 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Baeth, Bardanouve, Barrett, Baucus, Bell, Bennetts, Bradley, Brand, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Haines, Hall, Halvorson, Harper, H., Harper, R., Healy, Hodges, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Mercer, Murphy, Nichols, Olson, Prevost, Quilici, Roberts, Rolfe, Schepens, Schye, Sheldon, Staigmler, Stephens, Stoltz, Swanberg, Tierney, Turman, Turner, Ulmer, Warfield, Watt, Yardley, Mr. Speaker. Total 89.

Noes: Asbjornson, Burnett, Norman, Selstad, Smith. Total 5.

Excused: Seifert. Total 1.

Absent or not voting: Lundgren, Regan, Towe, Walborn, Zimmer. Total 5.

Senate Bill No. 130 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Baeth, Bardanouve, Baucus, Bell, Bennetts, Bradley, Brand, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, Edland, Fagg, Fasbender, Fleming, Flynn, Forsgren, Glennen,

Greely, Gunderson, Hageman, Hager, Haines, Hall, Harper, H., Harper, R., Healy, Hodges, Holmes, Huennekens, Jacobsen, Johnston, Kessner, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Murphy, Nichols, Norman, Prevost, Quilici, Roberts, Schepens, Schye, Sheldon, Staig-miller, Stephens, Stoltz, Swanberg, Tierney, Turman, Turner, Ulmer, War-field, Yardley, Mr. Speaker. Total 77.

Noes: Asbjornson, Barrett, Burnett, East, Ellerd, Galt, Holtz, Hubing, Jones, Mercer, Olson, Rolfe, Selstad, Smith. Total 14.

Excused: Seifert. Total 1.

Absent or not voting: Halvorson, Kendall, Lundgren, Regan, Towe, Wal-born, Watt, Zimmer. Total 8.

Senate Bill No. 131 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Asbjornson, Baeth, Bardanouve, Barrett, Baucus, Bell, Bradley, Brand, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Glennen, Greely, Gunderson, Hageman, Hager, Hall, Har-per, H., Harper, R., Healy, Hodges, Holmes, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Jones, Kessner, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lynch, McKittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Murphy, Nichols, Norman, Olson, Pre-vost, Quilici, Roberts, Rolfe, Schepens, Selstad, Sheldon, Smith, Staig-miller, Stephens, Stoltz, Swanberg, Tierney, Turman, Turner, Ulmer, Warfield, Yardley, Mr. Speaker. Total 85.

Noes: Burnett, Galt, Mercer, Schye. Total 4.

Excused: Seifert. Total 1.

Absent or not voting: Bennetts, Haines, Halvorson, Kendall, Lundgren, Regan, Towe, Walborn, Watt, Zimmer. Total 10.

Senate Bill No. 132 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Baeth, Bardanouve, Baucus, Bell, Bradley, Brand, Brown, Campbell, Clemow, Colberg, Cotton, Driscoll, Edland, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Greely, Gunderson, Hageman, Hager, Hall, Halvorson, Harper, H., Harper, R., Healy, Hodges, Holmes, Holtz, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kimble, Kosena, Kvaalen, Laas, Lee, Lien, Lombardi, Lucas, Lundgren, Lynch, Mc-Kittrick, Manuel, Marbut, Marks, Mehrens, Menahan, Murphy, Nichols, Nor-man, Prevost, Quilici, Roberts, Schepens, Sheldon, Staig-miller, Stephens, Stoltz, Swanberg, Tierney, Turman, Turner, Ulmer, Warfield, Watt, Yardley, Mr. Speaker. Total 75.

Noes: Asbjornson, Barrett, Burnett, Castles, Cox, East, Ellerd, Glennen, Hubing, Kolstad, Lockrem, Lund, Mercer, Olson, Rolfe, Schye, Selstad, Smith. Total 18.

Excused: Seifert. Total 1.

Absent or not voting: Bennetts, Haines, Regan, Towe, Walborn, Zimmer. Total 6.

Senate Bill No. 135 was concurred in by the following vote:

Ayes: Aageson, Ainsworth, Baeth, Bardanouve, Baucus, Bell, Bradley, Brand, Brown, Campbell, Castles, Clemow, Colberg, Cotton, Cox, Driscoll, East, Edland, Ellerd, Fagg, Fasbender, Fleming, Flynn, Forsgren, Galt, Glennen, Greely, Gunderson, Hageman, Hager, Hall, Halvorson, Harper, H., Harper, R., Healy, Hodges, Holtz, Hubing, Huennekens, Jacobsen, Johnston, Jones, Kendall, Kessner, Kimble, Kolstad, Kosena, Kvaalen, Laas, Lee, Lien, Lockrem, Lombardi, Lucas, Lund, Lundgren, Lynch, McKittrick, Manuel,

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3rd  
STATE OF MONTANA

## HOUSE OF REPRESENTATIVES

1973 - 1974

3-2-73

HB 6273

## VOTE TABULATION

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CALL

MOTION

| Y/N | AYE                       | NAY | ABSENT                     |
|-----|---------------------------|-----|----------------------------|
| AYE | Aageson, Dave             | AYE | Hager, Tom                 |
| AYE | Ainsworth, A. L. (Bud)    | AYE | Haines, Tom                |
| NAY | Asbjornson, R. O. "Boots" | AYE | Hall, John C.              |
| AYE | Baeth, William R. (Bill)  | AYE | Halvorson, Ora J.          |
| AYE | Bardanoue, Francis        | AYE | Harper, Hal                |
| NAY | Barrett, Fred D.          | AYE | Harper, Robert J. "Bob"    |
| AYE | Baucus, Max S.            | AYE | Healy, John E. (Jack)      |
| AYE | Bell, John F.             | AYE | Hodges, William C.         |
| AYE | Bennetts, Barbara K.      | AYE | Holmes, Mrs. Polly         |
| AYE | Bradley, Dorothy M.       | AYE | Holtz, Malcolm E.          |
| AYE | Brand, Joe                | AYE | Hubing, Lee                |
| AYE | Brown, Robert J. (Bob)    | AYE | Huennekens, Herb           |
| NAY | Burnett, James H. "Jim"   | AYE | Jacobsen, Glenn            |
| AYE | Campbell, William C.      | AYE | Johnston, George R.        |
| AYE | Castles, Ruth B.          | AYE | Jones, Tom L.              |
| AYE | Clemow, Tom               | AYE | Kendall, Orin P.           |
| AYE | Colberg, Richard A.       | AYE | Kessner, Jack E.           |
| AYE | Cotton, Robert S.         | AYE | Kimble, Gary               |
| AYE | Cox, Henry S. "Hank"      | AYE | Kolstad, Allen C.          |
| AYE | Driscoll, John B.         | AYE | Kosena, Albert E. (Al)     |
| NAY | East, Vic                 | AYE | Kvaaien, Oscar S.          |
| AYE | Edland, Wallace B.        | AYE | Laas, Walter               |
| NAY | Ellerd, Robert A.         | AYE | Lee, Robert E. (Bob)       |
| AYE | Fagg, Harrison G.         | AYE | Lien, Orphey "Bud"         |
| AYE | Fasbender, Larry          | AYE | Lockrem, Lloyd C., Jr.     |
| AYE | Fleming, James F., Jr.    | AYE | Lombardi, Jerry V.         |
| AYE | Flynn, James W.           | AYE | Lucas, James P.            |
| AYE | Forsgren, Wallace O.      | AYE | Lund, Art                  |
| NAY | Galt, Jack E.             | AYE | Lundgren, Conrad F.        |
| AYE | Gerke, Harold E.          | AYE | Lynch, John "J.D."         |
| AYE | Glennan, Robert E.        | AYE | McKittrick, Pat            |
| AYE | Greely, Michael T.        | AYE | Manuel, Rex                |
| AYE | Gunderson, Jack           | AYE | Marbut, Gary R.            |
| AYE | Hageman, Alvin            | AYE | Marks, Robert L. (Bob)     |
|     |                           |     | Mehrens, John "Sandy"      |
|     |                           |     | Menahan, William "Red"     |
|     |                           |     | Mercer, Wallace W. (Wally) |
|     |                           |     | Murphy, John               |
|     |                           |     | Nichols, Norris            |
|     |                           |     | Norman, Bill               |
|     |                           |     | Olson, S. A.               |
|     |                           |     | Prevost, Robert C.         |
|     |                           |     | Quilici, Joe               |
|     |                           |     | Regan, Ann K. "Pat"        |
|     |                           |     | Roberts, Joe R.            |
|     |                           |     | Rolfe, Tom                 |
|     |                           |     | Schepens, Henry J.         |
|     |                           |     | Schye, Elmer               |
|     |                           |     | Seifert, Carl A.           |
|     |                           |     | Selstad, Tom               |
|     |                           |     | Shelden, Arthur H.         |
|     |                           |     | Smith, Carl M.             |
|     |                           |     | Staigmiller, John B.       |
|     |                           |     | Stephens, Robert E.        |
|     |                           |     | Stoltz, Gail               |
|     |                           |     | Swanberg, Gorham E.        |
|     |                           |     | Tierney, John F.           |
|     |                           |     | Towe, Thomas E.            |
|     |                           |     | Turman, George             |
|     |                           |     | Turner, Clyde A.           |
|     |                           |     | Ulmer, Walter J.           |
|     |                           |     | Walborn, John E.           |
|     |                           |     | Warfield, Bill             |
|     |                           |     | Watt, Robert D.            |
|     |                           |     | Yardley, Dan               |
|     |                           |     | Zimmer, William (Bill)     |
|     |                           |     | Mr. Speaker                |

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The maximum weekly compensation benefits shall not exceed the state's average weekly wage. Total permanent disability benefits shall be paid for the duration of the worker's total permanent disability.

In cases where it is determined that periodic benefits granted by the Social Security Act, 42 U.S.C. 301 (1935), are payable because of the injury, the weekly benefits payable under this section shall be reduced by the amount of the federal periodic benefits for such week.

Section 2. Section 92-702, R.C.M. 1947, is repealed.

Approved: March 8, 1973.

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### CHAPTER NO. 203

An Act Providing Compensation For Injuries Causing Death Under the Workmen's Compensation Act; Repealing Section 92-704, R.C.M. 1947.

*Be it enacted by the Legislative Assembly of the State of Montana:*

Section 1. There is a new section to be numbered 92-704.1, R.C.M. 1947, which reads as follows:

92-704.1. **Compensation for injury causing death.** Weekly compensation benefits for injury causing death shall be sixty-six and two-thirds percent ( $66\frac{2}{3}\%$ ) of the decedent's wages. The maximum weekly compensation benefits shall not exceed the state's average weekly wage. The minimum weekly compensation for death shall be fifty percent (50%) of the state's average weekly wage, but in no event shall it exceed the decedent's actual wages at the time of his death.

Death benefits shall be paid to a widow or widower for life or until remarriage, and in the event of remarriage two (2) years' benefits shall be paid in a lump sum to the widow or widower. In all cases, benefits shall be paid to beneficiaries as defined in this act.

In cases where it is determined that periodic benefits granted by the Social Security Act, 42 U.S.C. 301 (1935), are payable because of the injury causing death, the weekly benefits payable under this section shall be reduced by the amount of the federal periodic benefits for such week.

Section 2. Section 92-704, R.C.M. 1947, is repealed.

Approved: March 8, 1973.

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